

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN  
FAMILY COURT

Introduced By: Senators McCaffrey, and Jabour

Date Introduced: March 23, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 14-1-3 of the General Laws in Chapter 14-1 entitled "Proceedings  
2 in Family Court" is hereby amended to read as follows:

3 **14-1-3. Definitions.** -- The following words and phrases when used in this chapter shall,  
4 unless the context otherwise requires, be construed as follows:

5 (1) "Adult" means a person eighteen (18) years of age or older, except that "adult"  
6 includes any person seventeen (17) years of age or older who is charged with a delinquent offense  
7 involving murder, first degree sexual assault, first degree child molestation, or assault with intent  
8 to commit murder, and that person shall not be subject to the jurisdiction of the family court as set  
9 forth in sections 14-1-5 and 14-1-6 if after a hearing, the family court determines that probable  
10 cause exists to believe that the offense charged has been committed and that the person charged  
11 has committed the offense.

12 (2) "Appropriate person," as used in sections 14-1-10 and 14-1-11, except in matters  
13 relating to adoptions and child marriages, means and includes:

14 (i) Any police official of this state, or of any city or town within this state;

15 (ii) Any duly qualified prosecuting officer of this state, or of any city or town within this  
16 state;

17 (iii) Any director of public welfare of any city or town within this state, or his or her duly  
18 authorized subordinate;

1 (iv) Any truant officer or other school official of any city or town within this state;

2 (v) Any duly authorized representative of any public or duly licensed private agency or  
3 institution established for purposes similar to those specified in section 8-10-2 or 14-1-2; or

4 (vi) Any maternal or paternal grandparent, who alleges that the surviving parent, in those  
5 cases in which one parent is deceased, is an unfit and improper person to have custody of any  
6 child or children.

7 (3) "Child" means a person under eighteen (18) years of age.

8 (4) "The court" means the family court of the state of Rhode Island.

9 (5) "Delinquent" when applied to a child means and includes any child who has  
10 committed any offense which, if committed by an adult, would constitute a felony, or who has on  
11 more than one occasion violated any of the other laws of the state or of the United States or any  
12 of the ordinances of cities and towns, other than ordinances relating to the operation of motor  
13 vehicles.

14 (6) "Dependent" means any child who requires the protection and assistance of the court  
15 when his or her physical or mental health or welfare is harmed or threatened with harm due to the  
16 inability of the parent or guardian, through no fault of the parent or guardian, to provide the child  
17 with a minimum degree of care or proper supervision because of:

18 (i) The death or illness of a parent; or

19 (ii) The special medical, educational, or social service needs of the child which the  
20 parent is unable to provide.

21 (7) "Justice" means a justice of the family court.

22 (8) "Neglect" means a child who requires the protection and assistance of the court when  
23 his or her physical or mental health or welfare is harmed or threatened with harm when the  
24 parents or guardian:

25 (i) Fails to supply the child with adequate food, clothing, shelter, or medical care, though  
26 financially able to do so or offered financial or other reasonable means to do so;

27 (ii) Fails to provide the child proper education as required by law; or

28 (iii) Abandons and/or deserts the child.

29 (9) "Wayward" when applied to a child means and includes any child:

30 (i) Who has deserted his or her home without good or sufficient cause;

31 (ii) Who habitually associates with dissolute, vicious, or immoral persons;

32 (iii) Who is leading an immoral or vicious life;

33 (iv) Who is habitually disobedient to the reasonable and lawful commands of his or her  
34 parent or parents, guardian, or other lawful custodian;

1 (v) Who, being required by chapter 19 of title 16 to attend school, willfully and  
2 habitually absents himself or herself from school or habitually violates the rules and regulations  
3 of the school when he or she attends; or

4 (vi) Who has on any occasion violated any of the laws of the state or of the United States  
5 or any of the ordinances of cities and towns, other than ordinances relating to the operation of  
6 motor vehicles.

7 (10) The singular shall be construed to include the plural, the plural the singular, and the  
8 masculine the feminine, when consistent with the intent of this chapter.

9 (11) For the purposes of this chapter, “electronic surveillance and monitoring devices”  
10 means any “radio frequency identification device (RFID)” or “global positioning device” that is  
11 either tethered to a person or is intended to be kept with a person and is used for the purposes of  
12 tracking the whereabouts of that person within the community.

13 SECTION 2. Chapter 14-1 of the General Laws entitled "Proceedings in Family Court" is  
14 hereby amended by adding thereto the following section:

15 **14-1-36.3. Community confinement.** – The family court may authorize that a sentenced  
16 youth or a youth who is subject to an order of detention to the Rhode Island training school may  
17 be placed in the community in an appropriate setting as specified in sections 14-1-27 and 14-1-32  
18 for a period of time as determined by the court. In any instance wherein the family court  
19 authorizes the release of a sentenced youth from the training school to community confinement,  
20 the youth shall be supervised by probation pursuant to section 14-1-33 and the term of  
21 community confinement shall not exceed the term of his or her sentence to the training school.  
22 The court order to place a detained youth or a sentenced youth on probation and/or in community  
23 confinement may include the use of electronic surveillance or monitoring devices as defined in  
24 this chapter.

25 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN  
FAMILY COURT

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- 1           This act would permit the use of electronic surveillance or monitoring devices with
- 2 wayward or delinquent youth.
- 3           This act would take effect upon passage.

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